



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 27, 1996

Mr. Yuri Calderón
Assistant School Attorney
Houston Independent School District
Hattie Mae White Administration Building
3830 Richmond Avenue
Houston, Texas 77027-5838

OR96-1041

Dear Mr. Calderón:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100024.

You represent the Houston Independent School District (the "district"). The district received a request for information concerning an investigative report relating to test-selling activities by district employees and an investigative report concerning a named employee. You state that the only documents responsive to this request are an Office of Professional Standard's Investigation Report, attachments, and report summary.¹ This is the same information that this office determined should be disclosed in Open Records Letter No. 95-009 (1995), in response to a prior request by the same individual. You assert that the records at issue are excepted from disclosure pursuant to section 552.103(a).

You inform this office that the Houston Association of School Administrators filed a Declaratory Judgment lawsuit seeking to prevent the disclosure of the information at issue in Open Records Letter No. 95-009 (1995), and that now is the subject of this new request. You assert that since the lawsuit is pending in the 80th Judicial District Court of

¹The requestor also sought other information. We assume that the other information was disclosed, as the only information you apparently object to releasing is the investigation report, the attachments, and the report summary.

Harris County, the records at issue are excepted from disclosure pursuant to section 552.103(a).

Pursuant to section 552.306 of the Government Code, this office is required to issue a written opinion within sixty working days from the date of receipt of a request for an open records decision. As the district court's ruling will control in this matter, we must conclude that you may withhold the requested information until there is a final decision concerning access to the information at issue.

If you have questions about this ruling, please contact our office

Yours very truly,



Sandra Coaxum, C.P.A.
Chief, Open Records Division

SLC/ch

Ref: ID# 100024

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
KTRK-TV ABC
P.O. Box 13
Houston, Texas 77001
(w/o enclosures)